

ESTTA Tracking number: **ESTTA353193**Filing date: **06/16/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	BRAVO BRIO RESTAURANT GROUP		
Entity	Corporation	Citizenship	Ohio
Address	777 Goodale Boulevard Suite 100 Columbus, OH 43212 UNITED STATES		

Attorney information	Timothy P. Fraelich JONES DAY 901 Lakeside Ave. North Point Cleveland, OH 44114 UNITED STATES tfraclich@jonesday.com, clkiedrowski@jonesday.com, skoston@jonesday.com Phone:216-586-3939
----------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Applicant Information

Application No	77900343	Publication date	05/25/2010
Opposition Filing Date	06/16/2010	Opposition Period Ends	06/24/2010
Applicant	Pollo Bravo LLC 2115 S. Garnett Rd., SUITE A & B Tulsa, OK 74129 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. All goods and services in the class are opposed, namely: Restaurant services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2622987	Application Date	05/15/2000
Registration Date	09/24/2002	Foreign Priority Date	NONE
Word Mark	BRAVO! CUCINA ITALIANA		


Design Mark	BRAVO! CUCINA ITALIANA
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 1992/09/00 First Use In Commerce: 1992/09/00 restaurant services

U.S. Registration No.	2622985	Application Date	05/15/2000
Registration Date	09/24/2002	Foreign Priority Date	NONE
Word Mark	CUCINA BRAVO! ITALIANA		
Design Mark	CUCINA BRAVO! ITALIANA		
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1999/09/00 First Use In Commerce: 1999/09/00 restaurant services		

U.S. Registration No.	3404924	Application Date	07/26/2007
Registration Date	04/01/2008	Foreign Priority Date	NONE
Word Mark	BRAVO! ITALIAN KITCHEN		
Design Mark	BRAVO! ITALIAN KITCHEN		
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1995/12/00 First Use In Commerce: 1995/12/00 Restaurant services		

U.S. Registration No.	3602082	Application Date	08/28/2008
Registration Date	04/07/2009	Foreign Priority Date	NONE
Word Mark	BRAVO!		

Design Mark	
Description of Mark	The mark consists of the letter "B" with a line above and below the "B" and vertical lines running through the center of the "B"; the letter "R" slightly slanted to the left the letter "A" slightly above the "R" the letter "V": slightly below the "A" and the letter "O" next to the "V" with an exclamation point next to the "O" and lines running through the center of the exclamation point.
Goods/Services	Class 043. First use: First Use: 1992/09/01 First Use In Commerce: 1992/09/01 restaurant services

U.S. Registration No.	3602083	Application Date	08/28/2008
Registration Date	04/07/2009	Foreign Priority Date	NONE
Word Mark	BRAVO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1992/09/01 First Use In Commerce: 1992/09/01 restaurant services		

Related Proceedings	Opposition filed against 77/900,389.
---------------------	--------------------------------------

Attachments	76048342#TMSN.gif (1 page)(bytes) 76048071#TMSN.gif (1 page)(bytes) 77239451#TMSN.jpeg (1 page)(bytes) 77558263#TMSN.jpeg (1 page)(bytes) 77558272#TMSN.jpeg (1 page)(bytes) POLLO BRAVO Notice of Opp.pdf (6 pages)(24890 bytes)
-------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Timothy P. Fraelich/
Name	Timothy P. Fraelich
Date	06/16/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application No. 77/900,343
For the mark **POLLO BRAVO**
Date filed: December 23, 2009
Published in the Official Gazette on May 25, 2010

BRAVO | BRIO RESTAURANT GROUP Opposition No. _____
Suite 100
777 Goodale Boulevard
Columbus, Ohio 43212

Opposer,

v.

POLLO BRAVO LLC
2115 S. Garnett Rd., SUITE A & B
Tulsa, Oklahoma 74129

Applicant.

COMMISSIONER FOR TRADEMARKS
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

1. Opposer, BRAVO | BRIO RESTAURANT GROUP, a corporation duly organized under the laws of the State of Ohio, and having a principal place of business at Suite 100, 777 Goodale Boulevard, Columbus, Ohio 43212 (“Bravo” or “Opposer”) believes that it will be damaged by registration of Application No. 77/900,343 for the mark POLLO BRAVO (the “POLLO BRAVO Mark” or “Applicant’s Mark”) and hereby opposes same pursuant to 15 U.S.C. §§ 1052 and 1063.

2. To the best of Opposer's knowledge, the name and address of the current owner of Applicant's Mark is Pollo Bravo LLC, 2115 S. Garnett Rd., SUITE A & B, Tulsa, Oklahoma 74129 (the "Applicant").

As grounds for opposition, it is alleged that:

3. Applicant filed the above-cited application for the POLLO BRAVO Mark on December 23, 2009. The application is for the following services: "Restaurant services" in International Class 43.

4. Bravo is the owner of U.S. Registration No. 2,622,987, issued on September 24, 2002, for the mark BRAVO! CUCINA ITALIANA for "restaurant services" in International Class 43.

5. Bravo is the owner of U.S. Registration No. 2,622,985, issued on September 24, 2002, for the mark CUCINA BRAVO! ITALIANA for "restaurant services" in International Class 43.

6. Bravo is the owner of U.S. Registration No. 3,404,924, issued on April 1, 2008, for the mark BRAVO! ITALIAN KITCHEN for "restaurant services" in International Class 43.

7. Bravo is the owner of U.S. Registration No. 3,602,082, issued on April 7, 2009, for the mark BRAVO! and Design:



for "restaurant services" in International Class 43.

8. Bravo is also the owner of U.S. Registration No. 3,602,083, issued on April 7, 2009, for the mark BRAVO! for “restaurant services” in International Class 43.

The marks described in paragraphs 4 through 8 are collectively referred to herein as the “BRAVO Marks”.

9. Opposer, since at least as early as September 1992 has been, and is now, using the BRAVO Marks (words and design) throughout the United States in connection with the goods and services described above.

10. Opposer’s BRAVO Marks are valid and have not been abandoned by Opposer.

11. Opposer’s U.S. Registration Nos. 2,622,987 and 2,622,985 have become incontestable.

12. Use of the BRAVO Marks by Opposer, as described above, has been valid and continuous since said date of first use.

13. Opposer’s continuous and commercially successful use of the BRAVO Marks is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion. As such, Opposer’s BRAVO Marks have come to serve as a unique identifier of Opposer’s goods and services.

14. Opposer’s use of the BRAVO Marks predates the filing date of the Application.

15. Opposer’s BRAVO Marks were well established and famous long before the filing date of Applicant’s subject application and at the time that Applicant filed the subject application.

16. In view of the similarity of the respective marks and the related nature of the goods and services offered for sale by the respective parties, it is alleged that Applicant's POLLO BRAVO Mark so resembles Opposer's BRAVO Marks previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive as to source by suggesting that Applicant's goods and services are associated with or approved, endorsed, affiliated, authorized, or sponsored by Opposer.

17. Applicant's Mark, when applied to Applicant's services for commercial use in commerce, dilutes and lessens the capacity of Opposer's BRAVO Marks to identify and distinguish Opposer's respective services from those of others, all to the damage of Opposer in violation of Sections 13 and 43(c) of the Lanham Act, 15 U.S.C. §§ 1063 and 1125(c).

18. The USPTO is hereby authorized to charge Jones Day's Deposit Account No. 50-2724 to account number 180555-019040 for the requisite fee of \$300 for filing this Notice of Opposition. In case any other fees are required, please charge Deposit Account 50-2724.

WHEREFORE, Opposer prays that Application No. 77/900,343 for the POLLO BRAVO Mark, be rejected, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

Dated this 16th day of June, 2010.

Respectfully submitted,

By: /Carrie L. Kiedrowski/
Timothy P. Fraelich
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
Tel: (216) 586-3939
Facsimile: (216) 579-0212

Carrie L. Kiedrowski
JONES DAY
1420 Peachtree St., NE
Suite 800
Atlanta, Georgia 30309
Tel: (404) 581-8620
Facsimile: (404) 581-8330

Attorneys for Opposer
BRAVO | BRIO RESTAURANT GROUP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document entitled NOTICE OF OPPOSITION was served on this 16th day of June, 2010 via U.S.

Mail upon:

Tony Doll
2010 Roosevelt Ave. Ste. 6
Joplin, Missouri 64804-0266

/Carrie L. Kiedrowski/

Attorney for Opposer